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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|--------------------------|------------------|
| 09/751,152 | 12/27/2000 | David Weigand | 68135469.206600 (P04786) | 8707 |

26689 7590 05/26/2004

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CHICAGO, IL 60606

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| EXAMINER |
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VINCENT, DAVID ROBERT

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| ART UNIT | PAPER NUMBER |
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2661

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,152

Applicant(s)

WEIGAND, DAVID

Examiner

David R Vincent

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10, 12, 13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Claim Rejections - 35 USC § 103

2. Claims 1-3, 5-6, 8-10, 12-13, 15-17 are rejected under 35 U.S.C. 103(a) as being obvious over Weigand (US 5,822,308) in view of Levy (US 5,524,008).

Weigand discloses a microcode RAM (128; col. 2, lines 40-49; col. 6, lines 26-44; col. 7, lines 20-25), storing a frame program (frame program (series of instructions; various routines, col. 2, lines 26-67; microcode, col. 7, lines 20-25; col. 8, lines 64-67; transmit routine, col. 8, lines 20-42; building frame slots, col. 6, lines 25-44; build slots, col. 5, lines 20-30) comprising a certain instruction (various subroutines, col. 2, lines 40-44; high level instructions, col. 3, lines 31-34; series of commands, col. 6, lines 26-29; a bit count, col. 7, lines 61-64; various routines, col. 8, lines 64-

Art Unit: 2661

67; command flow sequences, col. 6, lines 41-44), a microsequencer (124, Fig. 7) for executing the instructions (col. 6, lines 25-31; command flow sequences, col. 6, lines 41-44; col. 8, lines 32), a microwire (col. 5, lines 1-6), a delay unit (col. 5, lines 46-51; enable and disable devices in the proper sequence and at the proper times, col. 6, lines 58-63; delay block, 144, col. 7, line 61-col. 8, line 6; sequencer to be held in wait, col. 8, lines 20-42), instruction comprises a value indicative of a number of bytes (RAM provides instructions and generates sequences of control codes, col. 3, lines 31-34; the codes and instructions are themselves a number of bytes and they direct the microsequencer to handle, read/write a number of bytes, col. 6, lines 25-44), the value is indicative of a period of time (the microcode instructions can indicate to wait or to synchronize, col. 6, lines 56-67; col. 8, lines 20-44), storing at an address (a RAM holding a program or subroutine will store each line of code or command line at a specific address and the controller or microsequencer will know what address each routine starts at, col. 6, lines 25-44; col. 8, lines 20-42),

However, Weigand fails to use the phrase frame programs, as specified in claims 1, 6, and 12, and low power consumption mode, as specified in claim 4-5, 8-9, 11.

Levy teaches first-third frame programs (Fig. 1A; col. 1, lines 11-50, a series of frames, col. 1, lines 15-22; frame programs, col. 4, lines 10-27), and that a set of instructions in computer terminology is a program and in the TDMA environment a frame program (col. 2, lines 50-67; col. 4, lines 10-27), transmitting a number of bytes to radio components (setting up the slots, col. 4, lines 55-58, col. 5, lines 20-45, col. 6, lines 5-9, col. 9, lines 29-45; transferring codes or commands, col. 6, lines 56-67, transmitting voice, col. 6, lines 26-44), preventing executing of other instructions (col. 2, lines 50-61, interrupting, col. 5, lines 6-19; standby mode, col. 5, lines 46-60, delay block, col. 7, line 61-col. 8, line 6; interrupt unit, col. 8, lines 20-42, being in the transmit mode or receive mode, col. 9, lines 6-27).


3. Claims 4, 7, 11, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It would have been obvious to refer to the series of instructions or subroutines as being frame programs because the various subroutines do pertain to TDMA frames.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David R Vincent
Primary Examiner
Art Unit 2661

May 20, 2004